



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: John Pell, Project Manager

Public Notice Date: May 9, 2006
Expiration Date: June 7, 2006
Reference: 200201255
Name: Nagra, DJ and Swarn

Interested parties are hereby notified that all or a portion of the work as described below and shown on the enclosed drawings was performed without specific authorization under Section 404 of the Clean Water Act. U.S. Army Corps of Engineers permit regulations (33 CFR 320-331) allow District Engineers to make a determination of whether the activity is contrary to the public interest.

APPLICANT: D.J. and Swarn Nagra
177 Telegraph Road, Suite 634
Bellingham, Washington 98226
ATTN: DJ Nagra
Telephone: (360) 393-9499

AGENT: Northwest Ecological Services (NES), LLC
121 Park 1229 Cornwell Avenue, Suite 201
Bellingham, Washington 98225
Telephone: (360) 734-9484

LOCATION: At 564 Kelly Road, near Bellingham, Whatcom County Washington.

WORK: Retain and place fill in 1.38 acres of wetlands.

PURPOSE: To Provide Single- family housing

ADDITIONAL INFORMATION:

MITIGATION: The applicant proposes to create at least 2.76 acres of wetlands, and enhance 3.74 acres of wetlands on site.

ENDANGERED SPECIES: A preliminary determination indicates that the activity will not affect endangered or threatened species, or their designated critical habitat, listed under the Endangered Species Act of 1973.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would not impact EFH for Pacific salmon in the project area. Therefore the U.S. Army Corps of Engineers (Corps) has determined that the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. No further EFH consultation is necessary.

CULTURAL RESOURCES: The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

There are no recorded historic properties within the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The proposed discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

ADDITIONAL EVALUATION: The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to John.L.Pell@usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, Post Office

200201255

Box 3755, Seattle, Washington, 98124-3755. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Nagra, DJ and Swarn, 200201255

Encl

Drawings 4

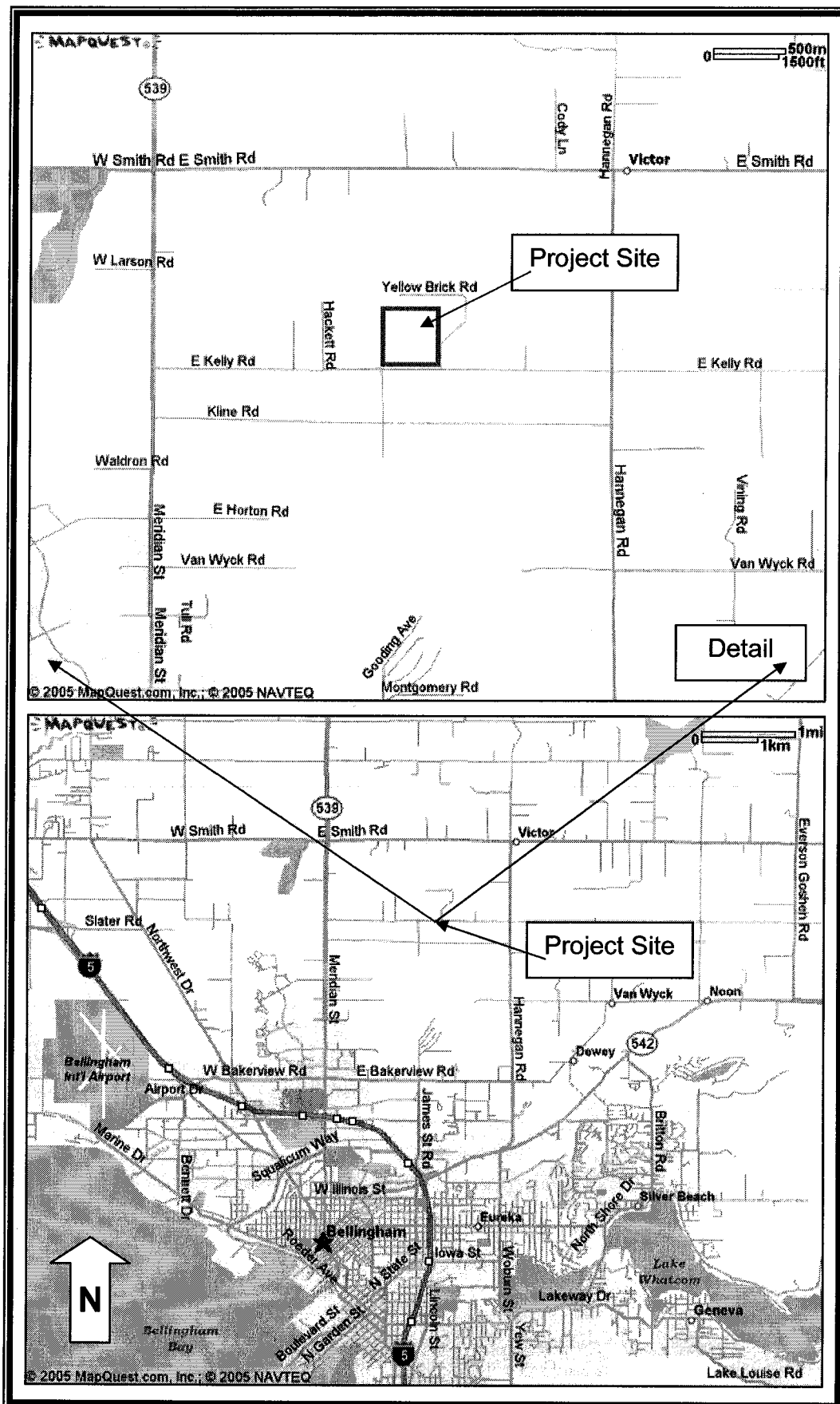


Exhibit: Vicinity Map

Project Name: 564 Kelly Road

Purpose: Short Plat/ Single Family Developments

Applicant: D.J. & Swarn Nagra

Sheet: 1 of 4

In: Wetlands

Project #: 200201255

Location: 564 Kelly Road

County: Whatcom **State:** WA

Date: 02/01/06

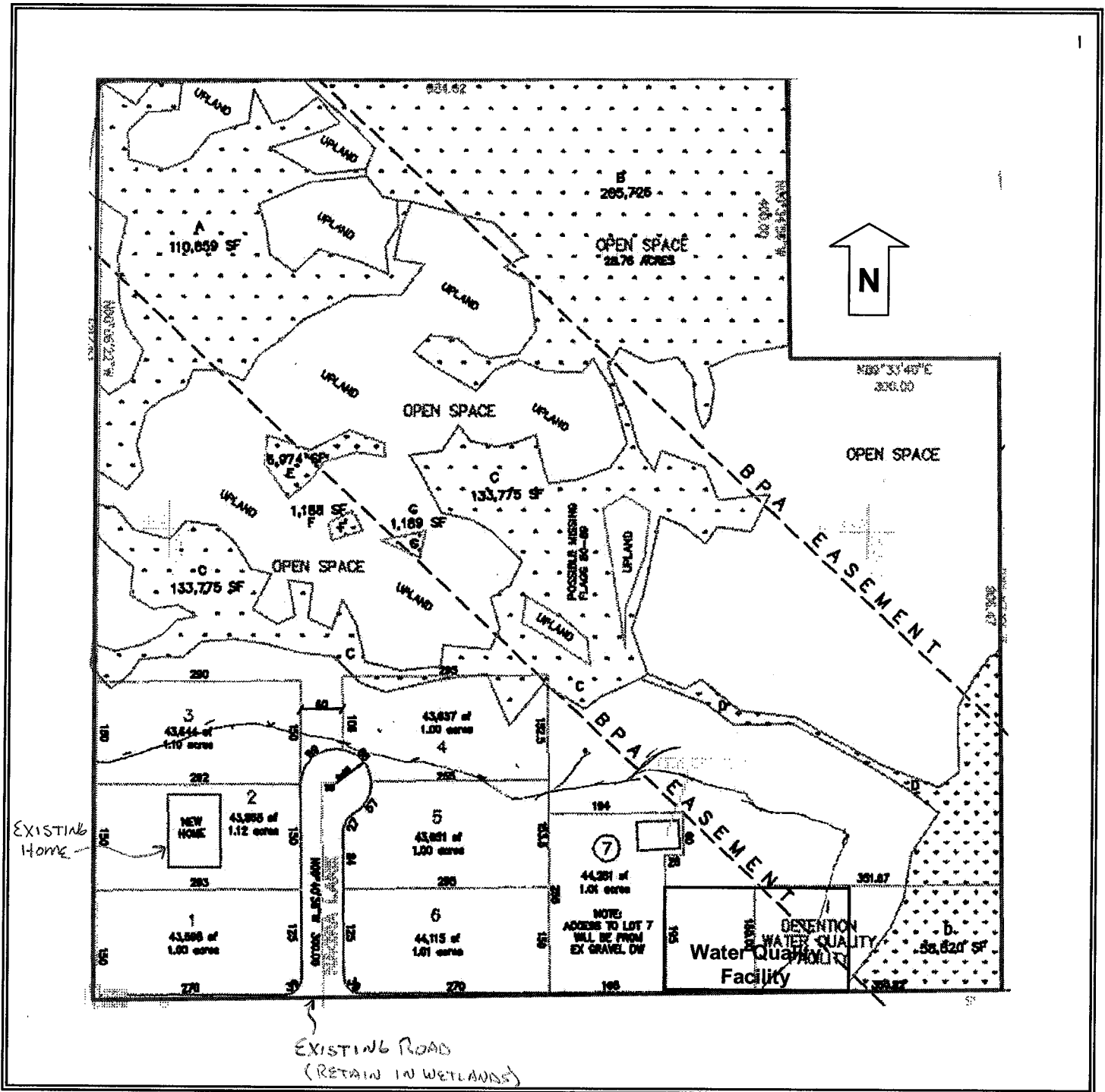


Exhibit: Proposed Site Plan
Project Name: 564 Kelly Road
Purpose: Short Plat/ Single Family Developments
Applicant: D.J. & Swarn Nagra
Sheet: 2 of 4

In: Wetlands
Project #: 200201255
Location: 564 Kelly Road
County: Whatcom State: WA
Date: 02/01/06

Note: The location and size of features identified on this figure are approximate.

Map Prepared by:
Northwest Ecological
Services
121 Park Ridge Road
Bellingham, WA 98225
360-734-9484

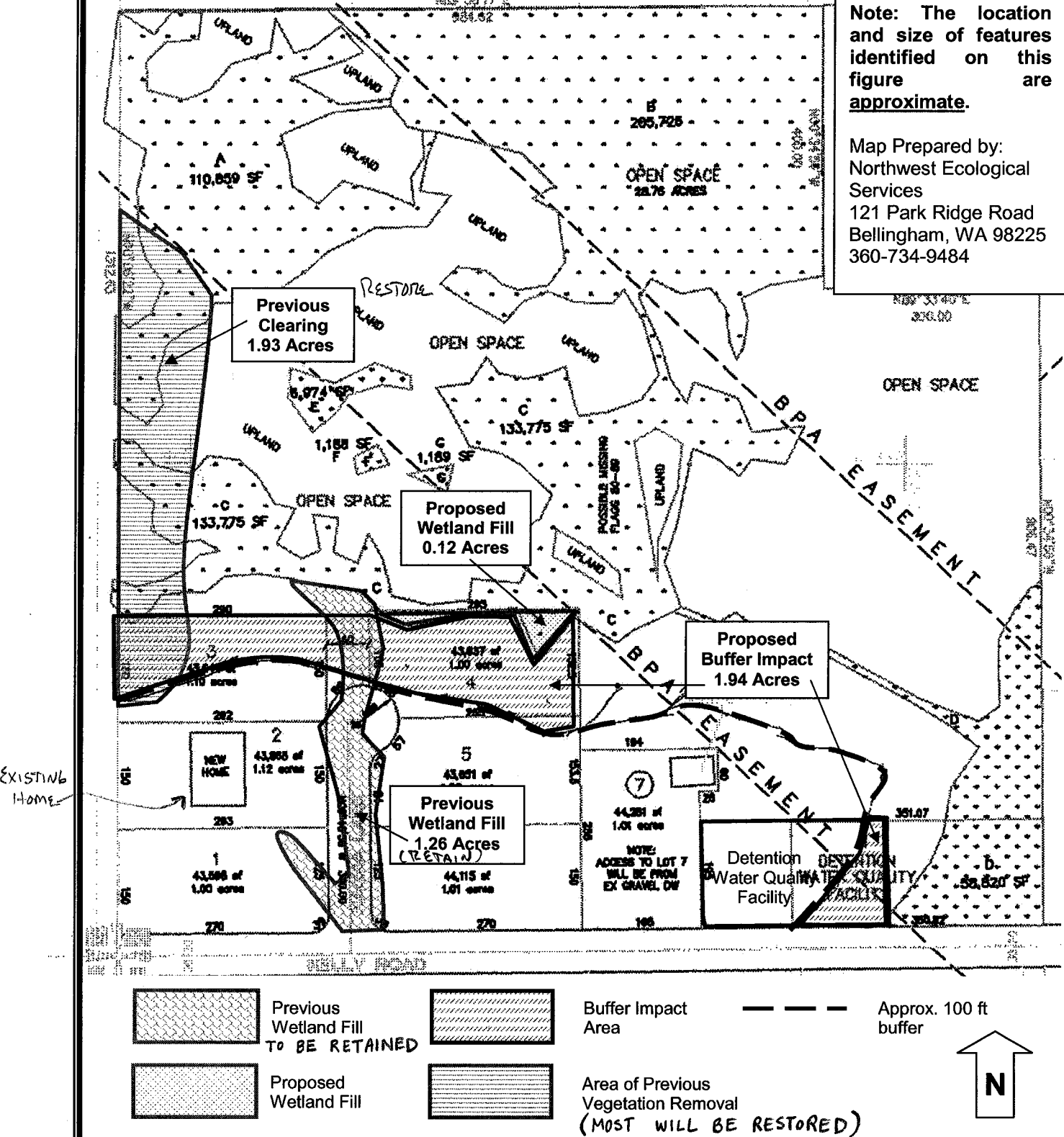


Exhibit: Impacts Map
Project Name: 564 Kelly Road
Purpose: Short Plat/ Single Family Developments
Applicant: D.J. & Swarn Nagra
Sheet: 3 of 4

In: Wetlands
Project #: 200201255
Location: 564 Kelly Road
County: Whatcom **State:** WA
Date: 02/01/06

Map Prepared by:
Northwest Ecological
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121 Park Ridge Road
Bellingham, WA 98225
360-734-9484



In: Wetlands
Project #: 200201255
Location: 564 Kelly Road
County: Whatcom **State:** WA
Date: 02/01/06



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

Washington State Department of Ecology
SEA Program
ATTN: Federal Permit Coordinator
Post Office Box 47600
Olympia, Washington 98504-7600

Reference: 200201255
Nagra, DJ and Swarn

Ladies and Gentlemen:

Enclosed is a copy of the Certification Consistency with the Washington State Coastal Zone Management Program for the reference project.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Walker", is positioned above the printed name.

Michelle Walker
Chief, Regulatory Branch

Enclosure



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: May 9, 2006

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200201255 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600